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Letter dated 17 September 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter from the Association des rescapés du génocide rwandais (Association of survivors of Rwandan genocide) (IBUKA) concerning strains in the relations between prosecution witnesses from this Association and the International Criminal Tribunal for Rwanda based in Arusha, United Republic of Tanzania (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Dr. Anastase **Gasana**
Ambassador
Permanent Representative

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Annex to the letter dated 17 September 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

In view of the paramount importance of the International Criminal Tribunal for Rwanda in Rwandan public opinion in general and genocide survivors in particular, whom we represent and who regarded the establishment of this Tribunal as a sign of the international community's commitment to punishing the crime of genocide and eradicating its underlying ideology and culture of impunity,

Further to a disinformation campaign which is aimed at deflecting international attention from the real operational problems and ineffectiveness of a Tribunal whose accomplishments are not commensurate with the resources it utilizes and is a key factor in the further victimization of genocide victims,

Given that even those in charge of the International Criminal Tribunal for Rwanda, undoubtedly to conceal their own share of the responsibility in this matter, do not hesitate to publicize potentially misleading statements,

With a view to re-establishing the truth, namely, that we have always submitted concrete and constructive proposals aimed at helping the International Criminal Tribunal for Rwanda to resume the mission of justice which you assigned to it,

We have the great honour to address the present letter to you, very respectfully, in order to clarify why we are suspending our cooperation with the International Criminal Tribunal for Rwanda and to propose possible solutions which, in the course of conversations or in writing, particularly in our letter No. 044/NA/MP/02 of 6 March 2002, a copy of which was sent to you, we have repeatedly outlined to the Registrar of the International Criminal Tribunal for Rwanda, reiterating our grievances and proposals each time, as follows:

1. Despite all the evidence we have furnished to the Registrar, the International Criminal Tribunal for Rwanda continues to employ investigators who are themselves suspected of the crime of genocide. As you can imagine, this has a disastrous impact on how cases are handled.

2. After the quasi-systematic publicizing of testimony given behind closed doors by witnesses who were supposedly protected, these witnesses are not only the targets of serious threats for their statements, but, worse still, are being refused any assistance by the International Criminal Tribunal for Rwanda, which has taken cynicism to new heights by cutting off basic medical assistance promised during initial contacts.

3. Instead of benefiting from protection, owing to their special condition, vulnerable and sensitive witnesses, particularly female victims of sexual violence, are systematically mistreated, intimidated and humiliated by both investigators and defence lawyers, sometimes in the presence of judges who are clearly not interested in reminding defence attorneys of the most basic ethical rules in this regard.

   In vain have we reported this situation — which, in certain well-known cases, has seriously affected the physical and mental health of the victims concerned — to the Presiding Judge and the Registrar.

4. The International Criminal Tribunal for Rwanda has lately become a revisionist Tribunal which trivializes genocide, as evidenced by certain judges' disgraceful attitudes during hearings (for example, with regard to witness T. A. in the *Ntahobali Shaloom* case) and the manifestly revisionist statements by the much-publicized Association des Avocats de la Défense, at which the whole world has repeatedly expressed outrage, though in vain.

5. Despite its promises, the International Criminal Tribunal for Rwanda refuses to reimburse witnesses for the expenses they incur or for loss of income during their visits to Arusha.

6. While defendants accused of rape and infecting their victims with AIDS are receiving the fullest possible medical care, our requests to the International Criminal Tribunal for Rwanda to allocate a portion of its budget to medical care for rape victims — if only out of concern to keep alive potential witnesses who are dying every day as we look on, powerless, while the international community lays out vast sums to support their executioners — have been futile.

Hence, Mr. President, apart from the fact that the statutes of the International Criminal Tribunal for Rwanda do not take the victims into account and allow neither civil suits nor damages and interest claims to be brought, and we have thus requested and hoped for their amendment in the interest of seeing full justice done with a view to restoring the truth, punishing the guilty and compensating the victims, the above-described problems in its operation, within the context of deficiencies in the current statutes, make restoration of the truth illusory and, in large measure, serve to punish the victims.

For this reason, Mr. President, in defiance of allegations that give the impression that we are obstructing justice, we have taken the decision to suspend our relations with the International Criminal Tribunal for Rwanda because it does not defend the interests of the victims we represent. Our conditions for the resumption of cooperation with the Tribunal have always been constructive. We have submitted them to those in charge of the International Criminal Tribunal for Rwanda and are submitting them for your consideration, as follows:

1. Amend the statutes of the International Criminal Tribunal for Rwanda to truly take into account the victims of genocide in every phase of every case concerning them before this Tribunal.

2. Ensure that genocide victims are at all times represented in the International Criminal Tribunal for Rwanda and its various offices in order to safeguard their physical and psychological security whenever their assistance is requested by the International Criminal Tribunal for Rwanda.

3. Convene a meeting of representatives of the organs of the International Criminal Tribunal and genocide victims under the supervision of a special envoy of the Security Council with a view to finding solutions to the various grievances and complaints voiced.

4. Arrange trials so that prosecution witnesses give their testimony in Rwanda in order to better guarantee their security.

5. Establish a specialized chamber staffed wholly by women in order to end the harassment and humiliation of female witnesses, mainly victims of rape employed as a weapon of genocide.

6. The Registrar should answer our above-mentioned letter providing full justification for our complaints.

In conclusion, Mr. President, we are deeply shocked that, instead of responding positively to the various grievances we addressed to those in charge of the International Criminal Tribunal in a number of dialogues with them and which we ended up summarizing in the above-mentioned letter, these same leaders are stubbornly refusing to respond and have launched a disinformation campaign.

We thus seize this opportunity, Mr. President, to vigorously refute the allegation by the Prosecutor of the International Criminal Tribunal for Rwanda in her report to the Security Council of 23 July 2002, maintaining that our organization is not autonomous from the Rwandan Government merely by virtue of the fact that, in good faith, we sent our letter to the Registrar of the International Criminal Tribunal care of the Minister for Foreign Affairs and Regional Cooperation. Indeed, it was our choice to send this letter by diplomatic pouch because we thought that would be safe, and out of courtesy, we requested that it should be care of the Minister in charge. Otherwise, we are independent from the Rwandan Government. As organizations defending the interests of genocide survivors, we have areas of agreement with the Government, and sometimes we disagree with it on very specific points.

This, Mr. President, is the status of our relations with the International Criminal Tribunal for Rwanda, and these are our expectations of the United Nations, which took the praiseworthy initiative of combating genocide and its ideology through the establishment of a court.

For IBUKA (not-for-profit association)
(*Signed*) Antoine **Mugesera**
President